

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA,
Norfolk Division

**CHESAPEAKE HOSPITAL AUTHORITY D/B/A
CHESAPEAKE REGIONAL MEDICAL CENTER'S EMERGENCY MOTION TO
DISMISS THE INDICTMENT FOR LACK OF JURISDICTION**

Pursuant to Fed. R. Crim. P. 12(b) and Local Rule 47, the Chesapeake Hospital Authority (“CHA”), d/b/a Chesapeake Regional Medical Center, moves on the following grounds to dismiss the indictment. Because this motion presents a recently discovered threshold matter that must be resolved before any additional proceedings, and because this Court has scheduled for hearing on August 5, 2025, CHA’s original motion to dismiss the indictment, CHA requests emergency consideration of this motion.

1. On January 8, 2025, a federal grand jury in the Eastern District of Virginia returned an indictment charging Chesapeake Regional Medical Center, a/k/a Chesapeake General Hospital, a/k/a Chesapeake Regional Healthcare with one count of conspiracy to defraud the United States,

in violation of 18 U.S.C. § 371, and with one count of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2. Doc. 1.

2. “Chesapeake Regional Medical Center,” “Chesapeake General Hospital,” and “Chesapeake Regional Healthcare” all merely constitute fictitious names used by CHA in accordance with Virginia Code § 59.1-69. Therefore, CHA assumed that, in the indictment, the grand jury had intended to indict CHA and that the error in the case style constituted a misnomer—that is, the government and the grand jury accidentally and unintentionally used the incorrect name for CHA.

3. Consequently, CHA, doing business as CRMC, moved to dismiss the indictment. *See Docs. 12, 13.* In its motion and memorandum, CHA asserted that the indictment against it should be dismissed because, as either a municipal corporation or an arm of the state, CHA could not face criminal liability.

4. In opposition to CHA’s motion, however, the government made several telling statements, the import of which CHA only appreciated in the last day or so, as its counsel has been preparing for the August 5, 2025, hearing on its motion. Those statements—particularly that “**The defendant in this case is CRMC,**” and that “**CHA is not a named defendant in this case**”—reveal that the grand jury did not indict CHA, as CHA assumed, but instead indicted only Chesapeake Regional Medical Center.

5. By the government’s own admissions, CHA is not the defendant here. Therefore, CHA’s motion to dismiss the indictment is not properly before this Court.

6. In addition, because a fictional name cannot be the subject of an indictment, the indictment is defective. It confers no jurisdiction on the Court, and, consequently, the indictment should be dismissed.

Conclusion

For these reasons and the reasons more fully set out in the accompanying brief, CHA moves this Court to dismiss the indictment with prejudice and for all other and further relief to which it may show itself justly entitled.

DATED: July 31, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2025, a true and correct copy of the above and foregoing instrument was served on all counsel of record via CM-ECF filing.

/s/ William H. Newman
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